

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN WARREN,

Petitioner,

Hon. Wendell A. Miles

v.

Case No. 1:05 CV 791

ANDREW JACKSON,

Respondent.

ORDER

This matter is before the Court on Petitioner's Emergency Ex Parte Motion for Preliminary Injunction and for Stay of State Court Judgment. (Dkt. #10). While styled as a motion for a preliminary injunction, Petitioner simply seeks to be released from custody pending resolution of his petition for writ of habeas corpus. As the Sixth Circuit has held, to obtain release from prison pending resolution of a habeas petition, the petitioner "must be able to show not only a substantial claim of law based on the facts surrounding the petition but also the existence of 'some circumstance making [the motion for bail] exceptional and deserving of special treatment in the interests of justice.'" *Dotson v. Clark*, 900 F.2d 77, 79 (6th Cir. 1990); *see also, Greenup v. Snyder*, 57 Fed. Appx. 620, 621 (6th Cir., Jan. 23, 2003). As Petitioner has failed to demonstrate entitlement to the requested relief, his motion is **denied**.

IT IS SO ORDERED.

Dated: March 6, 2006

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge